

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

CHARLES L. BURGETT,)
vs.)
Plaintiff,)
vs.)
KANSAS CITY AREA)
TRANSPORTATION AUTHORITY,)
et al.,)
Defendants.)
Case No. 13-0494-CV-W-ODS

ORDER (1) GRANTING PLAINTIFF LEAVE TO FILE THIRD AMENDED COMPLAINT;
(2) DENYING AS MOOT DEFENDANTS BROOKS, JAMES, PELOFSKY, WASSON-
HUNT, AND RADER'S MOTION TO DISMISS; AND (3) DENYING AS MOOT
DEFENDANTS PORTER AND LIENHARD'S MOTION TO DISMISS

On October 28, 2013, Plaintiff filed his Second Amended Complaint. On November 12, 2013, Defendants Brooks, James, Pelofsky, Wasson-Hunt, and Rader filed a Motion to Dismiss (Doc. # 44). On November 22, 2013, Defendants Lienhard and Porter filed a Motion to Dismiss (Doc. # 49).

Although Plaintiff has filed Suggestions in Opposition to both pending Motions to Dismiss, he also filed a Third Amended Complaint (Doc. # 53) on November 27, 2013. Plaintiff did not seek leave to file his Third Amended Complaint. However, the Court will grant leave since the Scheduling and Trial Order (Doc. # 39) set a deadline of November 29, 2013, to amend the pleadings and Plaintiff filed his Third Amended Complaint before the deadline. Accordingly, Plaintiff is granted leave to file his Third Amended Complaint. However, Plaintiff will not be permitted to file additional Complaints throughout the duration of this case. Given Plaintiff's repeated amendments, if the parties think a change should be made to the Scheduling and Trial Order, the Court will be open to considering any such request.

Plaintiff's Third Amended Complaint renders moot Defendants' Motions to Dismiss. According, the Court hereby denies Defendant's Motions to Dismiss as moot.

Defendants are given until January 13, 2014, to respond to Plaintiff's Third Amended Complaint.

IT IS SO ORDERED.

DATE: December 13, 2013

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT